

REMARKS

In the Examiner's Office Action dated May 15, 2002, the Examiner: (i) objects to the Applicants' earlier efforts to amend the Title; (ii) objects to Applicants' submission of data on a floppy disc; (iii) objects to the abstract; (iv) rejects claims 1-3 under 35 U.S.C. § 112 ¶ 2 as indefinite; (v) rejects claims 1-21 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,474,648 ("648 patent") issued to Patrick; and rejects claims 1-21 under § 102(b) as anticipated by U.S. Patent No. 5,388,032 ('032 Patent) issued to Gill.

OBJECTIONS:

With regard to the Examiner's objections, Applicants have provided a substitute Title, have amended the specification to reference a compact disc (provided herewith); and have provided a substitute abstract on a separate page in accordance with MPEP § 608.01(b). Accordingly, Applicants respectfully request that the Examiner withdraw the noted objections. If there are any other informalities in this application, the Examiner is invited to call the undersigned attorney-of-record to resolve any issues via a telephone interview.

REJECTIONS:

Applicants respectfully traverse the Examiner's rejections as to all claims. However, in an effort to facilitate compact prosecution and to illicit prompt allowance of the claims in this application, claims 1-21 have been cancelled and new claims 22-64 have been added. Claims 22-64 remain pending in this application. In light of these new claims and the following remarks, expeditious allowance of these claims is earnestly solicited.

Rejection Under 35 U.S.C. § 112, ¶ 2

The Examiner rejected claims 1-3 under 35 U.S.C. § 112, ¶ 2, as being indefinite. This rejection is now moot as claims 1-3 have been cancelled and the new claims do not include the

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indefinite phraseology cited by the Examiner. To the extent the Examiner believes any of the existing claim language is indefinite or unclear, the Examiner is again invited to address these issues in a telephone interview with the attorney-of-record.

Rejection Under 35 U.S.C. § 102(b)

'648 Patent

Without setting forth any explanation or basis for the rejection, the Examiner cites the '648 patent in rejecting claims 1-21. By merely citing the '648 patent without articulating any reasonable bases for its applicability, the Examiner has not met its burden of persuasion with respect to a determination of anticipation under 35 U.S.C. § 102(b). As such, Applicants respectfully assert that the Examiner fails to explain how the '648 Patent teaches or suggests any of the elements in any of the claims.

The '648 patent is not relevant to the present invention in that it is directed to a plasma processing device whereas Applicants' invention is directed to a control system, utilizing multiple processors, for monitoring and controlling multiple computer servers. The '648 patent teaches a system and method for dynamically controlling the radio frequency power parameters being delivered to a plasma chamber in order to optimize the formation of plasmagas with a resulting increase in the repeatability and uniformity of the etching process. The '648 patent does not teach nor suggest many of the claimed elements. For example, the '648 Patent does not teach the use of at least two processors to facilitate the control and monitoring of a plurality of computer systems, as required in pending claims 22-42, and 55-62. Moreover, the '648 Patent does not teach or suggest KVM components or the communication channel between a control system and the computers, as required in pending claims 23, 29, 38, 48-54, 63-64. The '648 Patent also does not teach or suggest a compact, space-saving rack system with a keyboard

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and/or mouse/touchpad and having a foldable video display (claims 43-47) capable of protecting the keyboard and the mouse/touchpad, as claimed in pending claims 44-47.

Finally, Applicants' invention solves a completely different problem than that addressed in the '648 Patent. While the '648 Patent involves measuring and controlling current, voltages, and other process parameters in plasma processing, it does not teach or suggest a system or method utilizing alphanumeric and pointing device signals. Nowhere in the '648 Patent is it suggested that the plasma system may be applied to the field of controlling and monitoring computers. Indeed, those skilled in the art would find it physically impossible to use the device taught in the '648 Patent to control and monitor computers.

Because the '648 Patent does not teach at least one of the elements claimed in each of the newly added, pending claims, Applicants respectfully assert that reliance on the '648 patent is misplaced and should be withdrawn as a basis for unpatentability. Claims 22-64 should be allowed over the '648 Patent reference.

'032 Patent

The Examiner also rejects claims 1-21 under § 102(b) as anticipated by the '032 Patent issued to Gill. In asserting the '032 Patent, the Examiner states that the '032 Patent teaches, *inter alia*, a KVM switch means and a plurality of processors. In fact, Applicants respectfully assert that the '032 Patent teaches the opposite – that a very limited switching capability is accomplished with a single processor and without a mouse or pointing device. Although claims 1-21 have been cancelled and the Examiner's rejection is moot as to those claims, as regarding pending claims 22-64, it should be appreciated that a KVM switch means and a more robust system utilizing at least two processors is not found anywhere in the '032 Patent. Indeed, the '032 Patent discloses a controller utilizing a single controller to process signal data. The novelty

in the presently claimed invention resides, in part, in the use of at least two processors (*see* pending claims 22-42, 55-62) to facilitate a more robust control and monitoring environment that was unknown in the art at the time of filing the present application. For example, utilizing at least two processors (*e.g.*, port processor (or first processor), host processor (or second processor), main controller processor (or third processor), etc.), the present invention allows the control system to exchange data in both directions with a plurality of computers in a substantially realtime environment. Furthermore, the present system may be configured, again using at least two processors, to monitor and communicate with two or more computer servers at a time. In addition, use of multiple processors creates a redundancy that decreases the likelihood of missing data transmitted between each of a plurality of computers and the control or administration system. The '032 Patent limits control to one computer at a time.

The housing structure of present invention, as claimed in pending claims 43-47, is also different from that taught in the '032 Patent and overcomes structural problems found in the prior art. As shown in, *inter alia*, figures 1-4 of the '032 Patent, the '032 Patent uses a switch system that is affixed to the keyboard and video components. The problem with this configuration is that, for example, when the system is opened, the numerous cables connected to the switch are routinely inadvertently disconnected when the switch system moves forward with the keyboard and display. In contrast, the presently claimed control system is not affixed to the keyboard, monitor and mouse system; rather, the control system is fixed such that when the display is opened, the control system does not move and therefore, there is no increased likelihood that the KVM cables will be inadvertently disconnected.

The KVM components, as claimed in pending claims 23, 29, 38, 48-54 and 63-64, require keyboard, video and mouse component compatability. The '032 Patent does not disclose,

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teach or suggest use of a mouse; rather, the '032 Patent is directed to a device utilizing only a keyboard and video display. Thus, compatibility with a mouse or pointer device as claimed in the present application, other than a keyboard input device is not present in the '032 Patent.

Turning now to the specific rejections asserted by the Examiner, the Examiner rejects claims 1-2, 4-5, 15, 18 and 21 as anticipated by the '032 Patent, in part, because the Examiner asserts that that a KVM switch means and plurality of processors are disclosed. These claims have been cancelled and the rejections to these claims are rendered moot. However, with respect to the pending claims 22-64, because these new claims have elements not found, taught or suggested by the '032 Patent, *e.g.*, at least two processors (new claims 22-42, 55-62), KVM switch components (new claims 23, 29, 38, 48-64, and 63-64), and housing structure with a fixed switch system structure (new claims 43-47), these new claims should be allowed.

The Examiner rejected claim 3 as anticipated by the '032 Patent. This claim has been cancelled and the structural limitation of the newly added claims directed to the housing unit (claims 43-45) are not found in the '032 Patent. In particular, as described above, the '032 Patent describes a switch system attached to the movable keyboard and display system, wherein the present invention claims a switch system (control system) that is fixed and independent of the movable keyboard, mouse and display system. In addition, the '032 Patent discloses an external keyboard which is rotatably connected to a storage drawer and not a video display. Further, the '032 Patent does not suggest the combination video display, keyboard and pointing device of the present invention.

The Examiner rejected claims 6-9 as anticipated by the '032 Patent. Claims 6-9 have been cancelled and new claims 57-60, depending from new independent claim 55 are now

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pending. As previously discussed, because these claims require at least two processors, these claims should be allowed over the '032 Patent.

Finally, the Examiner rejected claims 10-14, 16-17 and 19-20 as anticipated by the '032 Patent. Because the corresponding new claims now require at least two processors (pending claims 22-42, 55-62) and/or a KVM switch (pending claims 23, 29, 38, 48-64 and 63-64), not found, taught or suggested by the '032 Patent, these claims should be allowed.

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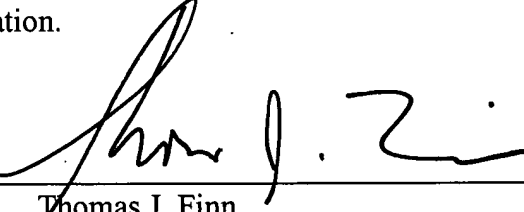
CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the pending claims are allowable over the prior art of record. Therefore, reconsideration of the application and allowance of all pending claims is earnestly solicited. The Examiner is invited to telephone the undersigned at the number listed below to discuss any of the foregoing in greater detail or to otherwise expedite the prosecution of the application.

Respectfully submitted,

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By


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